

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
325 EAST 72ND STREET CORP., and  
315 EAST 72ND STREET OWNERS CORP.,

Plaintiffs,

- against -

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, MARY E. PETERS, in  
her capacity as Secretary of the United States  
Department of Transportation, THE FEDERAL  
TRANSIT ADMINISTRATION, JAMES S. SIMPSON,  
in his capacity as Administrator of the Federal Transit  
Administration, THE METROPOLITAN  
TRANSPORTATION AUTHORITY, H. DALE  
HEMMERDINGER, in his capacity as Chairman of the  
Metropolitan Transportation Authority, THE NEW  
YORK CITY TRANSIT AUTHORITY, HOWARD H.  
ROBERTS, JR., in his capacity as the President of the  
New York City Transit Authority, and THE  
METROPOLITAN TRANSPORTATION AUTHORITY  
CAPITAL CONSTRUCTION COMPANY,

Defendants.  
----- X

08 Civ. 1127

ECF Case

**CERTIFICATE OF  
SERVICE**

Judge Lynch

STATE OF NEW YORK )  
COUNTY OF WESTCHESTER ) ss.:

Being duly sworn, Allyson Crespo, hereby deposes and says as follows:

1. I am not a party to this action and am over 18 years of age;

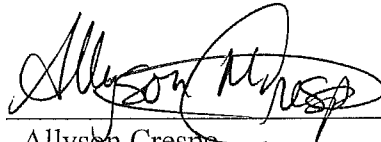
2. On February 6, 2008 I served the Summons and Complaint, with Exhibits thereto, in the above-referenced matter, together with a copy of Judge Lynch's rules, and a copy of the Southern District of New York's 3<sup>rd</sup> Amended Instructions for Filing an Electronic Case or Appeal by mailing a copy via U.S. Certified Mail Return Receipt Requested addressed to the following persons at the last known addresses set forth below:

United States Department of Transportation  
400 Seventh Street, SE  
Washington, D.C. 20590

Mary E. Peters, Secretary  
United States Department of Transportation  
400 Seventh Street, SE  
Washington, D.C. 20590

Federal Transit Administration  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

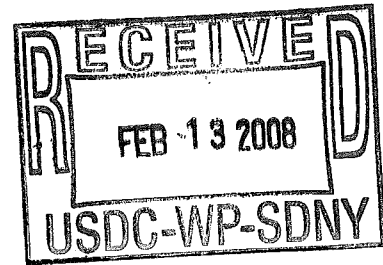
James S. Simpson, Administrator  
Federal Transit Administration  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

  
Allyson Crespo

Sworn to before me this  
6<sup>th</sup> day of February, 2008

  
Notary Public

JODY TAMAR CROSS  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02CR6078789  
QUALIFIED IN PUTNAM COUNTY  
COMMISSION EXPIRES AUGUST 5, 2010



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
325 EAST 72ND STREET CORP., and  
315 EAST 72ND STREET OWNERS CORP.,

Plaintiffs,

- against -

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, MARY E. PETERS, in  
her capacity as Secretary of the United States  
Department of Transportation, THE FEDERAL  
TRANSIT ADMINISTRATION, JAMES S. SIMPSON,  
in his capacity as Administrator of the Federal Transit  
Administration, THE METROPOLITAN  
TRANSPORTATION AUTHORITY, H. DALE  
HEMMERDINGER, in his capacity as Chairman of the  
Metropolitan Transportation Authority, THE NEW  
YORK CITY TRANSIT AUTHORITY, HOWARD H.  
ROBERTS, JR., in his capacity as the President of the  
New York City Transit Authority, and THE  
METROPOLITAN TRANSPORTATION AUTHORITY  
CAPITAL CONSTRUCTION COMPANY,

Defendants.  
----- X

08 Civ. 1127

ECF Case

**CERTIFICATE OF  
SERVICE**


Judge Lynch

STATE OF NEW YORK                     )  
  )       ss.:  
COUNTY OF WESTCHESTER            )

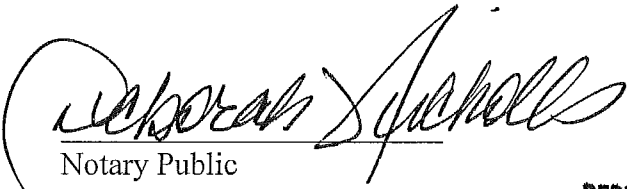
Being duly sworn, Andrew Keum, hereby deposes and says as follows:

1. I am not a party to this action and am over 18 years of age;
2. On February 6, 2008, I served four copies of the Summons and Complaint, together with Exhibits thereto, in the above-referenced matter, and a copy of Judge Lynch's rules, and a copy of the Southern District of New York's 3<sup>rd</sup> Amended Instructions for Filing an Electronic Case or Appeal by mailing said copies via U.S. Certified Mail Return Receipt Requested addressed to the following person at the last known address set forth below:

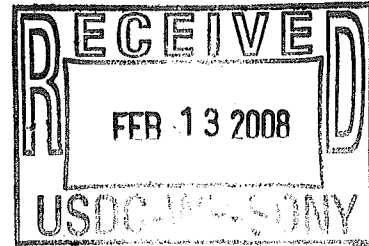
Michael B. Mukasey, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

  
Andrew Keum

Sworn to before me this  
6<sup>th</sup> day of February, 2008

  
Notary Public

DEBORAH NICHOLLS  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01N16102815  
QUALIFIED IN BRONX COUNTY  
COMMISSION EXPIRES 12/08/2011



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
325 EAST 72ND STREET CORP.,  
315 EAST 72ND STREET OWNERS CORP., :

Plaintiffs, :

- against - :

**08 Civ. 1127  
Judge Lynch**

**ECF Case**

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, MARY E. PETERS, in  
her capacity as Secretary of the United States  
Department of Transportation, THE FEDERAL  
TRANSIT ADMINISTRATION, JAMES S. SIMPSON,  
in his capacity as Administrator of the Federal Transit  
Administration, THE METROPOLITAN  
TRANSPORTATION AUTHORITY, H. DALE  
HEMMERDINGER, in his capacity as Chairman of the  
Metropolitan Transportation Authority, THE NEW  
YORK CITY TRANSIT AUTHORITY, HOWARD H.  
ROBERTS, JR., in his capacity as the President of the  
New York City Transit Authority, THE METROPOLITAN:  
TRANSPORTATION AUTHORITY CAPITAL  
CONSTRUCTION COMPANY, :

CERTIFICATE OF SERVICE

Defendants. :  
-----X

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF WESTCHESTER )

I hereby certify that I served four copies of the Complaint, with exhibits thereto, in the above-referenced matter, together with a copy of the Summonses, by hand delivery on the 4<sup>th</sup> day of February, 2008, on the U.S. Attorney's Office, Southern District of New York, 300 Quarropas Street, 3<sup>rd</sup> Floor, White Plains, New York 10601, on behalf of the following agencies and officers of the United States:

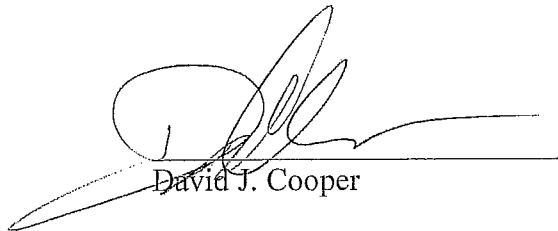
United States Department of Transportation

Mary E. Peters, Secretary  
United States Department of Transportation

Federal Transit Administration

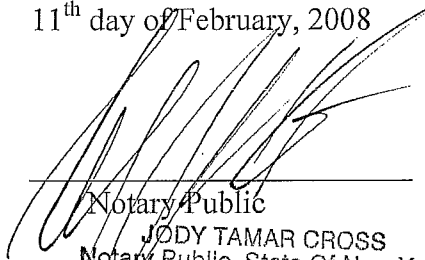
James S. Simpson, Administrator  
Federal Transit Administration

Dated: February 11, 2008  
White Plains, New York



David J. Cooper

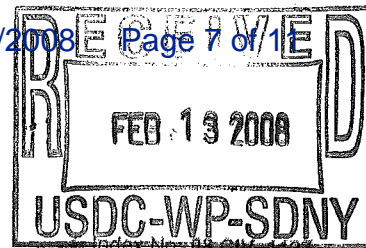
Sworn to before me this  
11<sup>th</sup> day of February, 2008



Notary Public  
JODY TAMAR CROSS  
Notary Public, State Of New York  
No. 02CR6078789  
Qualified In Putnam County  
Commission Expires 8/5/10



## AFFIDAVIT OF SERVICE



Attorney: Anderson Kill &amp; Olick, P.C., 1251 Avenue of Americas, New York NY, 10020, 2122781419

Court: UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT: COUNTY OF NEW YORK

Date Filed: 02/04/2008

Plaintiff/Petitioner: 325 EAST 72ND STREET CORP., AND 315 EAST 72ND STREET OWNERS CORP.,

Defendant/Respondent: THE METROPOLITAN TRANSPORTATION AUTHORITY CAPITAL CONSTRUCTION COMPANY, New York City Transit Authority

STATE OF NY : COUNTY OF KINGS ss.:

I, Jamar McIntosh, being duly sworn according to law upon my oath, deposes and says, that deponent is not a party to this action, is over 18 years of age and resides in NY State.

On Feb, 06 2008 at 11:35 AM, at 347 Madison Avenue, New York, NY, 10017, deponent served the SUMMONS IN A CIVIL ACTION AND COMPLAINT upon The Metropolitan Transportation Authority Capital Construction Company, Defendant herein known as Recipient.

Said service was effected in the following manner:

[ X ] CORPORATE: By delivering to and leaving a true copy of each with Ann Cutler, Paralegal, a person who is known to be the authorized agent of said corporation, and who is authorized by said corporation to receive said documents.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex	Color of skin	Color of hair	Age	Height	Weight
Female	White	Brown	36 - 50 yrs	5'4" - 5'8"	131 - 160 lbs
Other features: _____					

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

X \_\_\_\_\_  
 Sworn to before me on WED, Feb, 06 2008  
 Jameel Ali

Notary Public, State of NY  
 No. 01AL6001496, Qualified in Kings  
 Commission Expires February 27, 2010

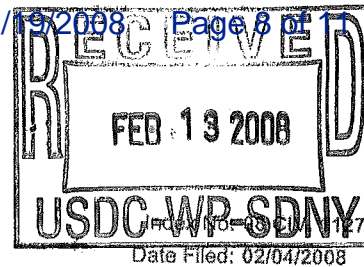
X Jamar McIntosh  
 Jamar McIntosh License No: 1172728

Attorney File#: 262008B





## AFFIDAVIT OF SERVICE



Attorney: Anderson Kill &amp; Olick, P.C., 1251 Avenue of Americas, New York NY, 10020, 2122781419

Court: UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT: COUNTY OF NEW YORK

Plaintiff/Petitioner: 325 EAST 72ND STREET CORP., AND 315 EAST 72ND STREET OWNERS CORP.,

Defendant/Respondent: THE METROPOLITAN TRANSPORTATION AUTHORITY, H. DALE HEMMERDINGER, in his capacity as Chairman of the Metropolitan Transportation Authority,

STATE OF NY ; COUNTY OF KINGS ss.:

I, Jamar McIntosh, being duly sworn according to law upon my oath, deposes and says, that deponent is not a party to this action, is over 18 years of age and resides in reside in NY State.

On Feb, 06 2008 at 11:35 AM, at 347 Madison Avenue, New York, NY, 10017, deponent served the SUMMONS IN A CIVIL ACTION AND COMPLAINT upon H. DALE HEMMERDINGER, CHAIRMAN, Defendant herein known as Recipient.

Said service was effected in the following manner:

[ X ] CORPORATE: By delivering to and leaving a true copy of each with Ann Cutler, Paralegal, a person who is known to be the authorized agent of said corporation, and who is authorized by said corporation to receive said documents.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex	Color of skin	Color of hair	Age	Height	Weight
Female	White	Brown	36 - 50 yrs	5'4" - 5'6"	131 - 160 lbs
Other features: _____					

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

X \_\_\_\_\_  
Sworn to before me on WED, Feb, 06 2008

Jamel Ali  
Notary Public, State of NY  
No. 01AL6001496, Qualified in Kings  
Commission Expires February 27, 2010

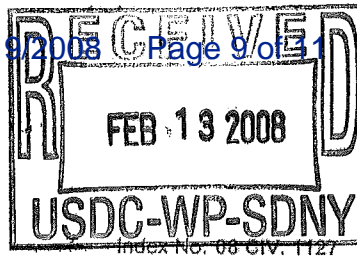
X Jamar McIntosh  
Jamar McIntosh License No: 1172728

Attorney File#: 262008





## AFFIDAVIT OF SERVICE



Attorney: Anderson Kill &amp; Olick, P.C., 1251 Avenue of Americas, New York NY, 10020, 2122781419

Court: UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT: COUNTY OF NEW YORK

Index No: 08 CIV. 1127

Date Filed: 02/04/2008

Plaintiff/Petitioner: 325 EAST 72ND STREET CORP., AND 315 EAST 72ND STREET OWNERS CORP.,

Defendant/Respondent: NEW YORK CITY TRANSIT AUTHORITY

STATE OF NY : COUNTY OF KINGS ss.:

I, Jamar McIntosh, being duly sworn according to law upon my oath, deposes and says, that deponent is not a party to this action, is over 18 years of age and resides in NY State.

On Feb, 06 2008 at 12:41 PM, at 130 Livingston Avenue, Brooklyn, NY, 11201, deponent served the SUMMONS IN A CIVIL ACTION AND COMPLAINT upon New York City Transit Authority, Defendant herein known as Recipient.

Said service was effected in the following manner;

[ X ] CORPORATE: By delivering to and leaving a true copy of each with Angeline Ingram, AUTHORIZED PERSON, a person who is known to be the authorized agent of said corporation, and who is authorized by said corporation to receive said documents.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex	Color of skin	Color of hair	Age	Height	Weight
Female	Black	Black	36 - 50 yrs	5'4" - 5'8"	161 - 200 lbs
Other features:					

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

X \_\_\_\_\_  
Sworn to before me on WED, Feb, 06 2008  
Jamel Ali

Notary Public, State of NY  
No. 01AL6001496, Qualified in Kings  
Commission Expires February 27, 2010

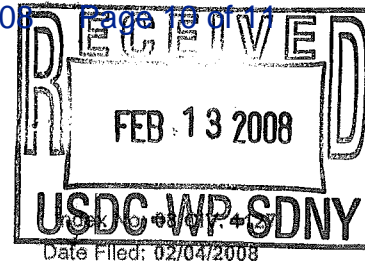
X \_\_\_\_\_  
Jamar McIntosh License No: 1172728

Attorney File#: 262008E





## AFFIDAVIT OF SERVICE



Attorney: Anderson Kill & Olick, P.C., 1251 Avenue of Americas, New York NY, 10020, 2122781419  
 Court: UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT: COUNTY OF NEW YORK

Plaintiff/Petitioner: 325 EAST 72ND STREET CORP., AND 315 EAST 72ND STREET OWNERS CORP.,  
 Defendant/Respondent: HOWARD H. ROBERTS, Jr., NEW YORK CITY TRANSIT AUTHORITY

STATE OF NY : COUNTY OF KINGS ss.:

I, Jamar McIntosh, being duly sworn according to law upon my oath, deposes and says, that deponent is not a party to this action, is over 18 years of age and resides in NY State.

On Feb, 06 2008 at 12:41 PM, at 130 Livingston Avenue, Brooklyn, NY, 11201, deponent served the SUMMONS IN A CIVIL ACTION AND COMPLAINT upon Howard H. Roberts, Jr., - New York City Transit Authority, Defendant herein known as Recipient.

Said service was effected in the following manner;

[ X ] CORPORATE: By delivering to and leaving a true copy of each with Angeline Igram, AUTHORIZED PERSON, a person who is known to be the authorized agent of said corporation, and who is authorized by said corporation to receive said documents.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

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Female	Black	Black	36 - 50 yrs	5'4" - 5'8"	161 - 200 lbs
Other features: _____					

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

X \_\_\_\_\_  
 Sworn to before me on WED, Feb, 06 2008  
 Jamel Ali

Notary Public, State of NY  
 No. 01AL6001496, Qualified in Kings  
 Commission Expires February 27, 2010

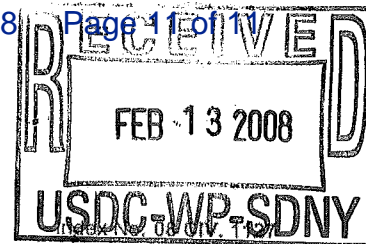
X Jamar McIntosh  
 Jamar McIntosh License No: 1172728

Attorney File#: 262008D





## AFFIDAVIT OF SERVICE



Attorney: Anderson Kill & Olick, P.C., 1251 Avenue of Americas, New York NY, 10020, 2122781419  
 Court: UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT: COUNTY OF NEW YORK

Date Filed: 02/04/2008

Plaintiff/Petitioner: 325 EAST 72ND STREET CORP., AND 315 EAST 72ND STREET OWNERS CORP.,  
 Defendant/Respondent: THE METROPOLITAN TRANSPORTATION AUTHORITY,

STATE OF NY : COUNTY OF KINGS ss.:

I, Jamar McIntosh, being duly sworn according to law upon my oath, deposes and says, that deponent is not a party to this action, is over 18 years of age and resides in NY State.

On Feb, 06 2008 at 11:35 AM, at 347 Madison Avenue, New York, NY, 10017, deponent served the SUMMONS IN A CIVIL ACTION AND COMPLAINT upon Metropolitan Transportation Authority, Defendant herein known as Recipient.

Said service was effected in the following manner;

[ X ] CORPORATE: By delivering to and leaving a true copy of each with Ann Cutler, Paralegal, a person who is known to be the authorized agent of said corporation, and who is authorized by said corporation to receive said documents.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

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Other features: _____					

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

X \_\_\_\_\_  
 Sworn to before me on WED, Feb, 06 2008  
 Jamel Ali

Notary Public, State of NY  
 No. 01AL6001496, Qualified in Kings  
 Commission Expires February 27, 2010

X Jamar McIntosh  
 Jamar McIntosh License No: 1172728

Attorney File#: 262008B

